

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,892	05/30/2000	Tsuyoshi Fukuda	B208-1094	2097

26272 7590 11/02/2004

COWAN LIEBOWITZ & LATMAN P.C
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
1133 AVE OF THE AMERICAS
NEW YORK, NY 10017

EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,892

Applicant(s)

FUKUDA, TSUYOSHI

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-12,15-19 and 22-38 is/are pending in the application.
4a) Of the above claim(s) 23,25-28,31-33 and 36-38 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5,8-12,15-19,22,24,29,30,34 and 35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Election/Restrictions

2. Newly submitted claims 23, 25-28, 31-33, and 36-38 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the electronic camera further comprises an operation element for selecting either a manual mode or a light source white balancing mode.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23, 25-28, 31-33, and 36-38 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4, 11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayama (U.S. Patent 5,260,774).

Regarding claim 4, Takayama discloses an electronic camera comprising: a white balance correcting circuit (44) for correcting white balance of a picked-up image by picking up an image of first object on the basis of white balance data obtained by picking up an image of a second object (Fig. 10); an automatic focusing circuit arranged to automatically perform a focusing operation; and a control circuit for picking up the image of the second object without operating the automatic focusing circuit (col. 1, lines 66 – col. 2, line 5), when picking up the image of the second object while a mode in which the focusing operation is automatically performed is set up (col. 1, lines 66 – col. 2, line 5). Takayama discloses that the lens are brought into a defocus state during white balancing (the first reading of the sensor), thereby focusing is not being operated.

Regarding claim 11, claim 11 is a method claim corresponding to the apparatus claim 4. Therefore, claim 11 is analyzed and rejected as previously discussed with respect to claim 4.

Regarding claim 18, claim 18 is a storage medium for storing a program corresponding to the steps disclosed in claim 1. The steps are analyzed and rejected as previously discussed with respect to claim 1. Furthermore, Takayama discloses a microcomputer (35) wherein the program for white balancing is stored.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 8-10, 15-17, 22, 24, 29, 30, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (U.S. Patent 5,319,449) in view of Sasakura (U.S. Patent 5,995,144).

Regarding claim 1, Saito et al. discloses an electronic camera comprising: a white balance correcting circuit (8) for correcting white balance of a picked-up image by picking up a first image of the first object on the basis of white balance data obtained by picking up an image of a second object; and an automatic focusing circuit (12-microcomputer outputs the auto-focus signal P1: col. 6, lines 58-59) having a plurality of distance measuring points on an image picking-up plane and arranged to automatically perform a focusing operation while using the plurality of distance measuring points (it is implicit that there are distance measuring points included in the auto-focusing technique in order to determine the distance from the object to the lens). However, Saito et al. fails to disclose a control circuit for, when picking up the image of the second object, controlling the operation of the automatic focusing circuit so that the

Art Unit: 2615

automatic focusing circuit automatically performs a focusing operation by using at least one distance measuring point and without using at least one distance measuring point in the plurality of distance measuring points.

Referring to the Sasakura reference, Sasakura discloses that during auto-focusing if the electronic camera uses a smaller number of pixels the auto-focusing calculation time will be reduced (col. 3, lines 39-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of using a smaller number of pixels during auto-focusing in order to reduce the auto-focusing time as taught by Sasakura with the white-balancing process as disclosed by Saito et al. in order to reduce the time it takes to white-balance the camera because by reducing the auto-focusing time it will in turn reduce the amount of time it takes to do the white balancing.

Regarding claim 2, Saito et al. in view of Sasakura discloses all subject matter as discussed with respect to claim 1 as well as disclosing that the control circuit controls operation of the automatic focusing circuit to make a determination level with which the automatic focusing circuit determines an in-focus state lower than that used for an ordinary image picking-up process (it is implicit that the in-focus state is lower than that is used for an ordinary image picking-up process because during white-balancing a smaller number of pixels are being used for auto-focusing,

Art Unit: 2615

wherein during an ordinary image picking-up process all the pixels would be used to determine the in-focus state).

Regarding claim **3**, Saito et al. in view of Sasakura discloses all subject matter as discussed with respect to claim 1 as well as disclosing that the second object is white in color (col. 9, lines 58-61).

Regarding claims **8-10**, these are method claims corresponding to the apparatus claims 1-3. Therefore, claims 8-10 are analyzed and rejected as previously discussed with respect to claims 1-3.

Regarding claims **15-17**, these are directed to a storage medium for storing a program corresponding to the steps disclosed with respect to claims 1-3. The steps are analyzed and rejected as previously discussed with respect to claims 1-3. Furthermore, Saito et al. discloses a microcomputer (20) wherein the program for white balancing is stored.

Regarding claim **22**, Saito et al. discloses an electronic camera comprising: a white balance correcting circuit (8) for correcting white balance of a picked-up image by picking up a first image of the first object on the basis of white balance data obtained by picking up an image of a second object; and a focusing circuit arranged to perform a focusing operation (12-microcomputer outputs the auto-focus signal P1: col. 6, lines 58-59). However, Saito et al. fails to disclose a control circuit for, when picking up the image of the second object, controlling the operation of the focusing circuit to make a determination level with which the focusing

circuit determines an in-focus state lower than that used for an image picking-up operation when picking up the image of the first object.

Referring to the Sasakura reference, Sasakura discloses that during auto-focusing if the electronic camera uses a smaller number of pixels the auto-focusing calculation time will be reduced (col. 3, lines 39-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of using a smaller number of pixels during auto-focusing in order to reduce the auto-focusing time as taught by Sasakura with the white-balancing process as disclosed by Saito et al. in order to reduce the time it takes to white-balance the camera because by reducing the auto-focusing time it will in turn reduce the amount of time it takes to do the white balancing. Furthermore, it is implicit that the in-focus state is lower than that is used for an ordinary image picking-up process because during white-balancing a smaller number of pixels are being used for auto-focusing, wherein during an ordinary image picking-up process all the pixels would be used to determine the in-focus state.

Regarding claim **24**, Saito et al. in view of Sasakura discloses all subject matter as discussed with respect to claim 1 as well as disclosing that the second object is white in color (col. 9, lines 58-61).

Regarding claims **29** and **30**, these are method claims corresponding to the apparatus claims 22 and 24. Therefore, claims 29

Art Unit: 2615

and 30 are analyzed and rejected as previously discussed with respect to claims 22 and 24.

Regarding claims **34** and **35**, these are directed to a storage medium for storing a program corresponding to the steps disclosed with respect to claims 22 and 24. The steps are analyzed and rejected as previously discussed with respect to claims 22 and 24. Furthermore, Saito et al. discloses a microcomputer (20) wherein the program for white balancing is stored.

7. Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama as applied to claim 4 above, and further in view of Saito et al. (U.S. 5,319,449).

Regarding claim **5**, Takayama discloses all subject matter as disclosed in claim 4, except that the second object is white in color.

Referring to the Saito et al. reference, Saito et al. discloses a white balancing system that uses an image of a white object because an object in front of a red or green background results in color failure (col. 58-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have photographed a white object as taught by Saito et al. in the white balancing system of Takayama in order to provide proper white balance control.

Regarding claim **12**, claim 12 is a method claim corresponding to the apparatus claim 5. Therefore, claim 12 is analyzed and rejected as previously discussed with respect to claim 5.

Art Unit: 2615

Regarding claim **19**, claim 19 is a storage medium for storing a program corresponding to the limitation disclosed in claim 5. The steps are analyzed and rejected as previously discussed with respect to claim 5. Furthermore, Takayama discloses a microcomputer (35) wherein the program for white balancing is stored as discussed previously with respect to claim 1.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Long
Examiner
Art Unit 2615

HRL
October 29, 2004


TUAN HO
PRIMARY EXAMINER